



# House of Representatives

General Assembly

**File No. 676**

January Session, 2019

Substitute House Bill No. 5823

*House of Representatives, April 17, 2019*

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING CAMPAIGN CONSULTANTS AND USE OF FUNDS UNDER THE CITIZENS' ELECTION PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-703 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) Each candidate for nomination or election to the office of state  
4 senator or state representative in 2008, or thereafter, or the office of  
5 Governor, Lieutenant Governor, Attorney General, State Comptroller,  
6 Secretary of the State or State Treasurer in 2010, or thereafter, shall file  
7 an affidavit with the State Elections Enforcement Commission. The  
8 affidavit shall include a written certification that the candidate either  
9 intends to abide by the expenditure limits under the Citizens' Election  
10 Program set forth in subsection (c) of section 9-702, or does not intend  
11 to abide by [said] such limits. If the candidate intends to abide by  
12 [said] such limits, the affidavit shall also include written certifications  
13 (1) that the treasurer of the candidate committee for said candidate

14 shall expend any moneys received from the Citizens' Election Fund in  
15 accordance with the provisions of subsection (g) of section 9-607 and  
16 regulations adopted by the State Elections Enforcement Commission  
17 under subsection (e) of section 9-706, (2) that the candidate shall repay  
18 to the fund any such moneys that are not expended in accordance with  
19 subsection (g) of section 9-607 and said regulations, (3) that the  
20 candidate and the treasurer shall comply with the provisions of  
21 subdivision (1) of subsection (a) of section 9-711, and (4) stating the  
22 candidate's status as a major party, minor party or petitioning party  
23 candidate and, in the case of a major party or minor party candidate,  
24 the name of such party. The written certification described in  
25 subdivision (3) of this subsection shall be made by both the candidate  
26 and the treasurer of the candidate committee for said candidate. A  
27 candidate for nomination or election to any such office shall file such  
28 affidavit not later than four o'clock p.m. on the twenty-fifth day before  
29 the day of a primary, if applicable, or on the fortieth day before the day  
30 of the election for such office, except that in the case of a special  
31 election for the office of state senator or state representative, the  
32 candidate shall file such affidavit not later than four o'clock p.m. on the  
33 twenty-fifth day before the day of such special election.  
34 Notwithstanding the provisions of this subsection, a candidate who is  
35 not required to form a candidate committee pursuant to subdivision  
36 (3) or (4) of subsection (b) of section 9-604, files a certification with the  
37 commission pursuant to subsection (c) of section 9-603 and does not  
38 intend to participate in the Citizens' Election Program shall not be  
39 required to file such affidavit of intent not to abide by the expenditure  
40 limits of said program. Any such candidate shall be referred to as a  
41 nonparticipating candidate, in accordance with subsection (b) of this  
42 section.

43 (b) A candidate who so certifies the candidate's intent to abide by  
44 the expenditure limits under the Citizens' Election Program set forth in  
45 subsection (c) of section 9-702 shall be referred to in sections 9-700 to 9-  
46 716, inclusive, as a "participating candidate" and a candidate who so  
47 certifies the candidate's intent to not abide by [said] such limits shall be  
48 referred to in sections 9-700 to 9-716, inclusive, as a "nonparticipating

49 candidate". The commission shall prepare a list of the participating  
50 candidates and a list of the nonparticipating candidates and shall make  
51 such lists available for public inspection.

52 (c) A participating candidate may withdraw from participation in  
53 the Citizens' Election Program before applying for an initial grant  
54 under section 9-706, by filing an affidavit with the State Elections  
55 Enforcement Commission, which includes a written certification of  
56 such withdrawal. A candidate who files such an affidavit shall be  
57 deemed to be a nonparticipating candidate for the purposes of sections  
58 9-700 to 9-716, inclusive, and shall not be penalized for such  
59 withdrawal. No participating candidate shall withdraw from  
60 participation in the Citizens' Election Program after applying for an  
61 initial grant under section 9-706.

62 (d) If the treasurer of the candidate committee of a participating  
63 candidate spends fifteen per cent or more, in the aggregate, of the  
64 moneys received from the Citizens' Election Fund on the campaign or  
65 committee services of a consultant or other professional person as  
66 provided in subparagraph (P) of subdivision (2) of subsection (g) of  
67 section 9-607, such consultant or other professional person shall  
68 register with the State Elections Enforcement Commission as such for  
69 such candidate committee and file an affidavit with the commission,  
70 which affidavit shall include a written certification that such  
71 consultant or professional person also intends to abide by the  
72 expenditure limits under the Citizens' Election Program set forth in  
73 subsection (c) of section 9-702. The commission shall prepare a list of  
74 each such consultant or professional person for the candidate  
75 committee of a participating candidate and shall make such list  
76 available for public inspection.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2019	9-703
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***Statement of Legislative Commissioners:***

In Section 1, "said limits" was changed to "[said] such limits" for consistency and "or professional person" was inserted after "consultant" for accuracy.

**GAE**      *Joint Favorable Subst. -LCO*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill requires: 1) consultants and other professionals that work with Citizens' Election Program (CEP) candidates to register as consultants with the State Elections Enforcement Commission (SEEC) under certain conditions and file an affidavit, and 2) SEEC to prepare and make publicly available a list of each registered consultant or other professional for each participating CEP candidate. No fiscal impact is anticipated to the State or municipalities as SEEC has the expertise to handle the bill's requirements.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5823*****AN ACT CONCERNING CAMPAIGN CONSULTANTS AND USE OF FUNDS UNDER THE CITIZENS' ELECTION PROGRAM.*****SUMMARY**

By law, candidate committee treasurers may pay consultants or other professional persons for campaign or committee services. This bill requires consultants and other professionals that work with candidates participating in the Citizens' Election Program (CEP) to register with the State Elections Enforcement Commission (SEEC) under certain conditions.

Specifically, if a participating candidate's treasurer spends 15% or more, in the aggregate, of the candidate committee's Citizens' Election Fund grants on a consultant's or other professional's campaign or committee services, the bill requires that person to register with SEEC by filing an affidavit. The affidavit must certify in writing the consultant's or professional's intent to abide by the CEP's spending limits. Generally, by law, a participating candidate's committee must limit its spending to (1) prescribed amounts of qualifying contributions and candidate's personal funds and (2) grants received under the program.

Under the bill, the registration applies to the candidate committee with which the consultant or professional works. SEEC must prepare and make publicly available a list of each registered consultant or other professional for each participating CEP candidate.

By law, the CEP is the state's voluntary public campaign financing system. Participating legislative and statewide office candidates are eligible to receive state grants to fund their campaigns if they (1) receive qualifying contributions; (2) agree to abide by the spending

limits; and (3) comply with other requirements, including for documenting and reporting expenditures.

EFFECTIVE DATE: October 1, 2019

## **BACKGROUND**

### ***Related Bill***

sHB 7210, reported favorably by the Government Administration and Elections Committee, (1) also requires consultants and other professionals that work with participating CEP candidates to register with SEEC and (2) defines “consultant” and “subvendor” for campaign finance purposes and establishes reporting requirements for them.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea    16    Nay   0    (04/01/2019)